

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD ROMERO,

Plaintiff,

13v0691

ELECTRONICALLY FILED

v.

LOUIS FOLINO, JOHN MCANANY,
NEDRA GREGO, DR. BYUNGHAK JIN,

Defendants.

**ORDER OF COURT RE: DEFENDANTS' JOINT MOTION TO SUPPLEMENT
EXHIBIT LIST (DOC. NO. 120)**

Presently before this Court is Defendants' Joint Motion to Supplement Exhibit List in which Defendants move this Court to permit sick call-out lists from the Restricted Housing Unit to be presented at trial as Exhibit 24. Doc. No. 120. Defendants intend to present these call-out lists to negate Plaintiff's contention that he attempted to sign up for sick call on January 2 and January 8, 2013. Defendants also intend to utilize sick call-out lists from other dates to show that Plaintiff "has been able to access the sick call system for other problems, and his name appears on the list when he does sign up for sick call." Doc. No. 120, 1. Plaintiff opposes this Motion. Doc. No. 121.

As this Court has held, the trial will focus on alleged deliberate indifference to Plaintiff's infection during the time alleged in the Complaint (January 2, 2013 to January 8, 2013). Introducing sick call-out lists prior or after the relevant time period would create a mini-trial on irrelevant issues and would confuse the jury. Further, as Plaintiff notes, he contends that the Defendants "refused to process [his] sick calls." Doc. No. 121, 1. Therefore, sick call-out lists for January 2, 2013-January 8, 2013 are irrelevant to his claims.

AND NOW, this 16th day of April, 2014, IT IS HEREBY ORDERED THAT
Defendants' Joint Motion to Supplement Exhibit List (Doc. No. 120) is **DENIED**.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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